


**Minutes of Meeting  
Grafton Planning Board  
January 10, 2011**

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A regular meeting of the Grafton Planning Board was held on Monday, January 10, 2011 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Bruce W. Spinney III, Vice-Chairman Robert Hassinger, Clerk Stephen Qualey, Heath Christensen and David Robbins. Absent from the meeting was James Walsh III. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Spinney called the meeting to order at 7:00 p.m.

**ACTION ITEM 1-A – CONSIDER DECISION – SCENIC ROAD PERMIT SRP 2010-1  
BRIAN OBERG – 108 MERRIAM ROAD**

Mr. Bishop noted that the main concerns for the decision were satisfied with Conditions #2, #3 and #4, specifically pertaining to the driveway opening, the Historical Commission's requirements, and the contingency of the Occupancy permit.

Mr. Christensen pointed out grammatical changes to be made in Finding F-5.

**MOTION** by Mr. Christensen, **SECOND** by Mr. Robbins, to make favorable findings for F-1 through F-8 as amended. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Christensen, to make favorable findings for F-9 through F-16. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Christensen, to grant Scenic Road Permit (SRP 2010-1) with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM 1-B – REQUEST FOR BOND ESTIMATE FOR BROOKMEADOW  
LANE EXTENSION – “BROOKMEADOW VILLAGE” SUBDIVISION –  
BROOKMEADOW VILLAGE LLC, PETITIONER**

Mr. Bishop informed the Board that he is in receipt of a performance guarantee from Greg Burrill of Brookmeadow Village, LLC and when the Board approves the recommended bond amount of \$124,060.00 for Phase 4A of the “Brookmeadow Village” Subdivision, he recommends execution of the Covenant.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Qualey, to approve the bond amount consistent with Mr. Bishop's recommendation. **MOTION** carried unanimously 5 to 0.

The Board endorsed the Release of Lots for “Brookmeadow Village” Subdivision.

Mr. Burrill explained to the Board that they were requesting release of Lots 13R-18R; 53R-57R; 64R, 65R, 84R, 85 & 86 and that 8 of these lots had already been released, but was listing the lots release again to clarify the renumbering of the lots with a previous approved ANR plan.

### **BROOKMEADOW VILLAGE SUBDIVISION UPDATE**

Mr. Burrill updated the Board on the trail system, noting that it has been completed, is over 2 miles of narrow trail to prevent ATV use, and that they have additionally been placed on Google Earth.

Mr. Hassinger asked if the bench cut issue noted in Land Trust President Ken Holberger's correspondence had been satisfied also. Mr. Burrill stated that he was not aware of the letter or the additional bench cut requested, but that the issue would be taken care of

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Qualey, to approve the Trail System at "Brookmeadow Village" as submitted, with the additional work noted. **MOTION** carried unanimously 5 to 0.

Mr. Burrill also informed the Planning Board that he had installed two more street lights, which were waiting to be connected by Mass. Electric, fulfilling all of the street lighting for Brookmeadow Lane and Taft Mill Road.

### **"DENDEE ACRES" SUBDIVISION – CERTIFICATE OF VALIDITY**

Mr. Bishop informed the Board that they had endorsed the plans for the "Dendee Acres" subdivision definitive plan on July 13, 2009, but they had never been filed at the Registry of Deeds in a timely manner. Mr. Bishop added that the current owner Charles Kady was not able to register the plans at the Registry of Deeds due to the lapse in time and was requesting validation from the Planning Board in order to register the definitive plans. Mr. Bishop added that Mr. Kady has been working responsibly on preparations to begin the subdivision.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Christensen, to endorse the Certificate of Validity for the "Dendee Acres" Subdivision. **MOTION** carried unanimously 5 to 0.

### **BRIELLE ROAD UPDATE**

Mr. Bishop stated that Town Counsel has informed him that Toll Brothers has indicated they would like to set up a meeting between their Regional Director and the Town, with both Counsels and a Planning Board member present.

Chairman Spinney recused himself to the audience due to a conflict of interest.

Mr. Hassinger offered to be present at the meeting if the Planning Board members were in agreement.

Mr. Qualey offered to be present at the meeting also.

Chairman Spinney received unanimous consent for Mr. Hassinger and Mr. Qualey to represent the Planning Board at the Toll Brothers meeting.

Mr. Bishop noted this appeared to be a positive situation and of value to have the Planning Board represented. Mr. Hassinger added that the point is that a public way is needed to make this work and the Town is not able to make Brielle Road public on its own. Mr. Bishop remarked that the Board should decide what message they would like to send with the Planning Board representatives to the meeting, and should anticipate a reasonable level of completion commitment.

Bruce Spinney of 19 Brielle Road informed the Board that the general consensus of the neighborhood was that they do not want sidewalks.

Mr. Hassinger noted that the sidewalks were part of the Definitive plan. Mr. Spinney added that in speaking for the neighborhood, they do not want the project held up and would like the Planning Board to work to move forward with a sound plan in place.

Mr. Bishop stated the meeting would be this Thursday, January 13<sup>th</sup> and would notify them of the time.

**MRSP 2009-12 D & F AFONSO BUILDERS, INC. (APPLICANT/OWNER) “VILLAGE AT INSTITUTE ROAD” – OFF INSTITUTE ROAD AND WESTBORO ROAD**

Chairman Spinney opened the hearing. Attorney Suzette Ferreira was present for the applicant.

Attorney Ferreira informed the Board that since there was no indication as to when they may get a hearing date from the Court, and after discussion with Town Counsel; her client is requesting to withdraw the application without prejudice

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to grant the applicant’s written request to withdraw without prejudice. **MOTION** carried 4 to 0 with Mr. Robbins not eligible to vote.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Qualey, to close the public hearing. **MOTION** carried 4 to 0 with Mr. Robbins not eligible to vote.

Mr. Hassinger requested Staff to draft the appropriate paperwork to close out this special permit application. Mr. Bishop stated he will file the necessary paperwork with the Town Clerk.

**MAJOR RESIDENTIAL SPECIAL PERMIT (MRSP 2010-8) “ABBY WOODS” SUBDIVISION – CENTRAL MASSACHUSETTS HOME BUILDERS LLC, (APPLICANT/OWNER) – 18 CARROLL ROAD**

Chairman Spinney opened the public hearing. Present for the meeting were Tony Haghani and Crystal Carr of H S & T Group, Inc. representing the applicant.

Mr. Haghani briefly reviewed the plans and history of the subdivision and informed the Board that Graves Engineering had thoroughly reviewed the plans, finding no major issues.

Mr. Hassinger requested Mr. Haghani review the Flexible Plan with regard to the disposition of the easements and the open space. Mr. Robbins asked if the open space with the flexible plan ties in with any protected abutting land. Mr. Haghani added that there really is no use for the access easement in the conventional plan, noting that it is directly into the wetlands and splits the lot in two resulting in lost value for the lot. Mr. Hassinger requested that more information on abutting property be submitted at the definitive subdivision plan phase to determine needed access to abutting property.

Mr. Bishop remarked that there has not been a waiver request submitted by the applicant for the easement. Mr. Christensen and Mr. Qualey stated they would entertain a request for a waiver of the easement and would like the land to be privately owned and not public.

Mr. Haghani stated he would like the Planning Board to consider closing the hearing and drafting a decision on the special permit application.

Chairman Spinney, Mr. Qualey, Mr. Christensen, and Mr. Robbins stated preference of the Conventional Plan, while Mr. Hassinger stated preference for the Flexible Plan.

**MOTION** by Mr. Christensen, **SECOND** by Mr. Qualey, to choose the Conventional Plan over the Flexible Plan. **MOTION** carried 4 to 1.

Mr. Hassinger wished to note that the special permit decision should have a provision to resolve the site line issue to the preference of the Planning Board; and suggested the applicant acknowledge by a signed statement on paper that he has chosen the conventional plan.

**MOTION** by Mr. Christensen, **SECOND** by Mr. Qualey, to close the public hearing. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Christensen, to direct Staff to draft a decision, taking into consideration all of the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

### **MINTUES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Christensen, **SECOND** by Mr. Hassinger, to approve the open session minutes of December 13, 2011 as drafted. **MOTION** carried unanimously 5 to 0.

### **CORRESPONDENCE**

Mr. Bishop remarked that he would like to bring to the Planning Board's attention the High School Building Committee has received correspondence from Brian Postlewaite of the Symes Maini & McKee Associates that their traffic engineer, Bryant Engineers, has completed their analysis of the intersection and has submitted it to MassDOT. Mr. Bishop added that their summary was that the intersection meets the 8 hour warrant as requested by MassDOT; that a signal would significantly improve the operations of the intersection, especially from Brigham Hill Road, and that no other unsignalized intersection modifications were found to similarly improve the intersection. Mr. Bishop pointed out that this study concurs with the Planning

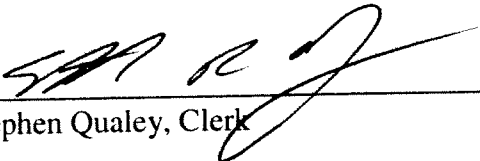
Board recommendations and supports the Boards position on that requirement that the best solution is the light.

The meeting was adjourned at 8:35 p.m.

## **EXHIBITS**

- **Action Item 1A – Scenic Road Permit SRP 2010-1, Brian Oberg – 108 Merriam Road**
  - Draft Decision, draft dated 12/29/10, 5 pages.
- **Action Item 1B – Request for Bond Estimate for Brookmeadow Village Subdivision**
  - Memorandum to the Planning Board, Bond Amount for Phase 4A of the Brookmeadow Village Subdivision, 1 page.
  - Correspondence from Graves Engineering, Brookmeadow Village Phase 4A – Engineer's Construction Cost Estimate, dated December 17, 2010, received December 22, 2010, 4 pages.
  - Correspondence from Guerriere & Halnon, Bond for Brookmeadow Lane Station 22+50 to Station 27+00, dated and received December 14, 2010, 1 page.
  - Correspondence from the Grafton Land Trust, Brookmeadow Villages Open Space Trail Construction, dated December 15, 2010, received December 22, 2010; 1 page.
  - Correspondence from Guerriere & Halnon, Bond for Trail System at Brookmeadow Village, dated December 22, 2010, received January 3, 2011; 1 page.
- **Action Item 1B – Request for Bond Estimate for Brookmeadow Village Subdivision**
  - Correspondence from the Grafton Land Trust, Brookmeadow Villages Open Space Trail Construction, dated December 15, 2010, received December 22, 2010; 1 page.
  - Correspondence from Guerriere & Halnon, Bond for Trail System at Brookmeadow Village, dated December 22, 2010, received January 3, 2011; 1 page.
- **Item 5A: Draft Meeting Minutes**, Grafton Planning Board, December 13, 2010; 5 pages.
- **Public Hearing B: Major Residential Special Permit (MRSP 2010-8) "Abby Woods" Subdivision, Central Massachusetts Home Builders LLC, Off Carroll Road, North Grafton:**
  - Preliminary Subdivision submission packet, prepared by HS&T Group, received December 16, 2010, including the following:
    - Correspondence from HS&T Group, response to comments received October 19, 2010; dated December 10, 2010, 9 pages.
    - Plan Set, 11"x17", Abby Woods – A Preliminary Subdivision in North Grafton, Massachusetts, Conventional Development, prepared by HS&T Group; prepared September 9, 2010, updated December 13, 2010; 6 pages including:
      - Cover Sheet
      - Sheet 1-5: Lot Layout

- Sheet 2-5: Existing Conditions
  - Sheet 3-5: Grading Scheme
  - Sheet 4-5: Road Profile
  - Sheet 5-5: Details
- Plan Set, 11"x17", Abby Woods – A Preliminary Subdivision in North Grafton, Massachusetts, Preliminary Development, prepared by HS&T Group; prepared September 9, 2010, updated December 13, 2010; 6 pages including:
  - Cover Sheet
  - Sheet 1-5: Lot Layout
  - Sheet 2-5: Existing Conditions
  - Sheet 3-5: Grading Scheme
  - Sheet 4-5: Road Profile
  - Sheet 5-5: Details
- Correspondence from Graves Engineering, Abby Woods Preliminary Plan Review, dated January 3, 2011, received January 6, 2011; 6 pages.
- Preliminary Subdivision submission packet, prepared by HS&T Group, received January 7, 2011, including the following:
  - Correspondence from HS&T Group, response to comments received January 3, 2011; dated December 10, 2010, 8 pages.
  - Plan Set, 11"x17", Abby Woods – A Preliminary Subdivision in North Grafton, Massachusetts, Conventional Development, prepared by HS&T Group; prepared September 9, 2010, latest revision January 6, 2011; 6 pages including:
    - Cover Sheet
    - Sheet 1-5: Lot Layout
    - Sheet 2-5: Existing Conditions
    - Sheet 3-5: Grading Scheme
    - Sheet 4-5: Road Profile
    - Sheet 5-5: Details
  - Plan Set, 11"x17", Abby Woods – A Preliminary Subdivision in North Grafton, Massachusetts, Preliminary Development, prepared by HS&T Group; prepared September 9, 2010, latest revision January 6, 2011; 6 pages including:
    - Cover Sheet
    - Sheet 1-5: Lot Layout
    - Sheet 2-5: Existing Conditions
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    - Sheet 4-5: Road Profile
    - Sheet 5-5: Details

  
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Stephen Qualey, Clerk